

**2013
ANNUAL TOWN
MEETING
MOTIONS**



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MOTIONS
2013 ANNUAL TOWN MEETING

REPORTS

ARTICLE 1:	Accept Town Reports	<i>Majority Vote Required</i>
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Sponsor: Town Manager

Motion: That the Town accept the reports of town officers, boards and committees for the Fiscal Year 2012.

Selectmen recommend (4-0)

FINANCIAL - FISCAL YEAR 2013

ARTICLE 2:	Unpaid Bills from Previous Fiscal Year(s)	<i>4/5 Majority Vote Required</i>
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Sponsor: Town Manager

Motion: That the Town vote to appropriate from Free Cash \$1,770.13 (ONE THOUSAND SEVEN HUNDRED SEVENTY DOLLARS AND THIRTEEN CENTS) to pay for unpaid bills of prior fiscal years from Verizon for telecommunication services for various Town departments in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 64.

Selectmen recommend (4-0) and Finance Committee recommends (7-0)

ARTICLE 3:	Fiscal Year 2013 Supplemental Appropriations	<i>Majority Vote Required</i>
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Sponsor: Town Manager

Motion: That the Town appropriate from Free Cash the sum of \$70,000 (SEVENTY THOUSAND DOLLARS) in order to supplement the following Fiscal Year 2013 Operating Budgets:

131 Finance Committee Reserve Fund	\$50,000
543 Veterans Services (Expenses)	\$20,000

Selectmen recommend (4-0) and Finance Committee recommends (6-1)

ARTICLE 4:	Fiscal Year 2013 Budget Transfers	<i>Majority Vote Required</i>
Sponsor:	Town Manager	
Motion:	That the Town dismiss Article 4.	

Selectmen and Finance Committee to make recommendation at Town Meeting

ARTICLE 5:	Transfer From the Perchlorate Stabilization Fund for Perchlorate Expenses	<i>2/3 Majority Vote Required</i>
Sponsor:	Board of Selectmen	
Motion:	That the Town transfer the sum of \$250,000 (TWO HUNDRED FIFTY THOUSAND DOLLARS) from the perchlorate stabilization fund to the town manager perchlorate remediation account for the purpose of providing funds to address associated issues regarding perchlorate contamination.	

Selectmen recommend (4-0) and Finance Committee recommends (7-0)

ARTICLE 6:	Appropriate Funds to Address Public Safety Hazards at 12 North Main Street	<i>Majority Vote Required</i>
Sponsor:	Board of Selectmen	
Motion:	That the Town appropriate from Free Cash the sum of \$50,000 (FIFTY THOUSAND DOLLARS) for the purpose of providing funds to address associated issues regarding the condition of the property at 12 North Main Street.	

Selectmen recommend (4-0) and Finance Committee recommends (7-0)

ARTICLE 7:	Authorize Expenditure from Insurance Receipts Reserved	<i>Majority Vote Required</i>
Sponsor:	Board of Selectmen	
Motion:	That the Town appropriate from insurance receipts reserved \$79,832 (SEVENTY NINE THOUSAND EIGHT HUNDRED THIRTY TWO DOLLARS) in accordance with Massachusetts General Laws Chapter 44, Section 53 for the following:	
	122 - Frost School Roof Restoration	\$41,805
	630 - Crew Equipment Replacement	\$29,810
	171 - Hill Orchard Restoration	\$ 8,217

Selectmen recommend (4-0) and Finance Committee recommends (7-0)

ARTICLE 8: Capital Appropriations for Fiscal Year 2013*Majority Vote Required***Sponsor:** Capital Planning Committee**First Motion:** (2/3 Majority Vote Required)

That the Town transfer from Capital Stabilization the sum of \$31,000 (THIRTY ONE THOUSAND DOLLARS) to provide for the following capital requests:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Engineering	\$31,000	Minot's Corner Engineering

Second Motion:*(Majority Vote Required)*

That the Town appropriate from Ambulance Enterprise retained earnings the sum of \$80,000 (EIGHTY THOUSAND DOLLARS) to provide for the following capital requests:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Ambulance	\$60,000	Rehabilitation of Ambulance #10 and any other related costs
Ambulance	\$20,000	Purchase Emergency Medical Service equipment and any other related costs

And further

That the Town appropriate from Water Enterprise retained earnings the sum of \$670,000 (SIX HUNDRED SEVENTY THOUSAND DOLLARS) to provide for the following capital requests:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Water Department	\$600,000	Water system improvements on Edwards Avenue, Hadley Road, and Williams Avenue in the Nabnasset Section of Town, including all costs incidental and related thereto
Water Department	\$40,000	Purchase of a 4-wheel drive pick-up truck with plow, accessories and any other related costs
Water Department	\$30,000	Purchase of a utility van, accessories and any other related costs

Selectmen recommend (4-0) and Finance Committee recommends (7-0) & (6-1 for Ambulance Enterprise requests)

COMMUNITY PRESERVATION FUNDS

ARTICLE 9:	Community Preservation Committee Recommendations	<i>Majority Vote Required</i>
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Sponsor: Community Preservation Committee

Motion: That the Town, pursuant to Massachusetts General Laws, Chapter 44B, or any other enabling authority, in accordance with the recommendations of the Westford Community Preservation Committee, appropriate from Community Preservation Funds the sum of \$1,230,100 (ONE MILLION TWO HUNDRED THIRTY THOUSAND ONE HUNDRED DOLLARS) as follows:

\$308,946	From Undesignated Fund Balance To the Community Housing Reserve This allocation more than covers the required 10% for Community Housing	Community Housing Reserve
\$138,636	From Undesignated Fund Balance To the Historic Resources Reserve This allocation more than covers the required 10% for Historical Resources	Historic Resources Reserve
\$190,000	From Undesignated Fund Balance To the Conservation Trust Fund for future land purchases and any other related costs.	Conservation Commission
\$10,018	From Undesignated Fund Balance For the Victorian Chimney Rehabilitation and Attic Window Restoration at the J.V. Fletcher Library located at 50 Main Street	Board of Library Trustees
\$334,000	From Community Housing Fund Balance To the Affordable Housing Trust for the creation, preservation, support, rehabilitation or restoration of affordable housing and any other related costs.	Affordable Housing Trust
\$70,000	From Historic Resources Fund Balance For the rehabilitation of the Frost School Roof located at 73 Main Street and any other related costs.	Historical Commission
\$88,500	From Historic Resources Fund Balance For the design and installation of fire protection improvements for the Roudenbush Community Center, Inc. located at 65 Main Street and any other related costs.	Historical Commission
\$90,000	From the remaining balance of the Purchase & Retro-fit of a Potential Group Home project approved under Article 16 of the May 10, 2008 Annual Town Meeting. To the Affordable Housing Trust for the creation, preservation, support, rehabilitation or restoration of affordable housing and any other related costs.	Affordable Housing Trust

Selectmen recommend (4-0) and Finance Committee recommends (7-0)

FINANCIAL - FISCAL YEAR 2014**ARTICLE 10: Amend the Wage and Classification Plan** *Majority Vote Required***Sponsor:** Town Manager**Motion:** That the Town amend the Pay Classification Plan for non-union municipal employees, effective July 1, 2013 as follows:

Band Change:								
Position Title	Current Band	Min	Mid	Max	New Band	Min	Mid	Max
Business Manager, Water Department	Band 4	\$48,970	\$59,512	\$70,056	Band 5	\$54,848	\$66,655	\$78,462
Title Change:								
Position Title	Current Band	Min	Mid	Max				
From: Water Treatment Manager To: Water Operations Manager	Band 6	\$59,782	\$72,651	\$85,522				

*Selectmen recommend (4-0) and Finance Committee recommends (7-0)***ARTICLE 11: Fiscal Year 2014 Operating Budget** *Majority Vote Required***Sponsor:** Town Manager**Motion:** That the Town appropriate the sum of \$98,436,379 (NINETY EIGHT MILLION FOUR HUNDRED THIRTY SIX THOUSAND THREE HUNDRED SEVENTY NINE DOLLARS) for the operation and maintenance of Town Departments for the Fiscal Year July 1, 2013 through June 30, 2014, such sums to be expended for such purposes under the direction of the respective town officers, boards and committees and further that all items be raised and appropriated except for the following:

Fund 240 Community Preservation Fund: \$889,861 shall be appropriated from Community Preservation Fund Fiscal 2014 Revenue;

Fund 270 Receipts Reserved for Appropriation: \$18,720 shall be appropriated from Conservation Wetlands Fees;

Fund 280 Town Revolving Funds: \$30,000 shall be appropriated from Recreation Field Maintenance Revolving 53 E ½;

Fund 600 Water Enterprise Fund: \$3,470,340 shall be appropriated from Water Enterprise Revenue and \$471,474 shall be appropriated from Water Enterprise retained earnings;

Fund 630 Recreation Enterprise Fund: \$1,100,500 shall be appropriated from Recreation Enterprise Revenue;

Fund 640 Ambulance Enterprise Fund: \$650,000 shall be appropriated from Ambulance Enterprise Revenue.

Selectmen recommend (5-0) and Finance Committee recommends (6-2)

ARTICLE 12: Authorize Revolving Funds

Majority Vote Required

Sponsor: Town Manager

Motion: That the Town authorize revolving funds for the Fiscal Year July 1, 2013 - June 30, 2014, under the provisions of [Massachusetts General Laws Chapter 44, Section 53E ½](#) for the following:

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Lease of Town Buildings: 65 & 73 Main St 170 Plain Rd	Board of Selectmen	Lease payment and other revenues from leased properties	Costs associated with maintenance, repairs and improvements to the leased properties	\$550,000	Available for expenditure next year
Recycling Revolving	Recycling Commission	Sale of bins	Purchase of recycling supplies	\$20,000	Available for expenditure next year
Recreation Field Maintenance	Recreation Commission	Field user fees/permits	Field maintenance, hiring of necessary personnel and consulting services	\$150,000	Available for expenditure next year
Senior Center Fitness Room	Council on Aging	Fees and gifts received for the Fitness Room	Fitness room maintenance supplies, equipment warranties, training, monitoring and purchase of replacement fitness equipment	\$75,000	Available for expenditure next year
Senior Center Programs	Council on Aging	Program fees	Costs associated for the operation of activities for Cameron to include supplies and contracted services	\$50,000	Available for expenditure next year

School Parking	School Department	Parking fees	Maintenance and expansion of parking facilities	\$30,000	Available for expenditure next year
School Bus/Transportation	School Department	User bus fees	Student transportation costs	\$589,292	Available for expenditure next year
East Boston Camps Maintenance	Conservation Commission	Revenue received for the lease, rental or licensing of camp facilities and donations received for the support of the East Boston Camps property	Costs associated for the operation and maintenance of the East Boston Camps property	\$50,000	Available for expenditure next year
Stormwater Revolving Fund	Planning Board	Peer review fees from applicants for storm water management permits	Third party consultant review of storm water management permit and/or construction inspection	\$20,000	Available for expenditure next year
Immunizations and Clinical Services	Board of Health	Fees received for immunizations and clinical	Cost of supplies and technical services for immunization and clinical programs	\$25,000	Available for expenditure next year

Selectmen recommend (5-0) and Finance Committee recommends (7-0) & (5-2 on Board of Health requests.)

ARTICLE 13: Appropriate Chapter 90 Local Transportation Funds for Roadway Maintenance

Majority Vote Required

Sponsor: Board of Selectmen

Motion: That the Town appropriate any amount received by the Town under the provisions of [Massachusetts General Laws Chapter 90](#) for the purposes of repair, construction, maintenance and preservation of the town roads and bridges and other related costs which qualify under the State Aid to Highways Guidelines adopted by the Massachusetts Highway Authority.

Selectmen recommend (4-0) and Finance Committee recommends (7-0)

ARTICLE 14:	Accept Massachusetts General Laws Chapter 59 Section 5, Clause 56 Related to Abatements for Members of the National Guard	<i>Majority Vote Required</i>
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Sponsor: Board of Assessors

Motion: That the Town accept [Massachusetts General Laws Chapter 59, § 5 Cl 56](#): "Upon the acceptance of this section by a city or town, the Board of Assessors may grant, real and personal property tax abatement up to 100 per cent of the total tax assessed to members of the Massachusetts National Guard and to reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the board of assessors. The authority to grant abatements under this section shall expire after 2 years of acceptance unless extended by a vote of the city or town."

Selectmen recommend (4-0) and Finance Committee recommends (7-0)

ARTICLE 15:	Accept Massachusetts General Laws Chapter 73, Section 4 of the Acts of 1986, as Amended by Chapter 126 of the Acts of 1988 Related to Property Tax Exemption Increase by 100% for the Blind, Elderly and Disabled Veterans	<i>Majority Vote Required</i>
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Sponsor: Board of Assessors

Motion: That the Town accept the provisions of [Massachusetts General Laws Chapter 73, Section 4](#) of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, by providing for additional property tax exemptions for qualified residents who may be blind, elderly, surviving spouses or minors, or who are disabled veterans, and to continue the present percentage increase of 100%.

Selectmen recommend (4-0) and Finance Committee recommends (7-0)

ARTICLE 16:	Capital Appropriations for Fiscal Year 2014
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Sponsor: Capital Planning Committee

First Motion: *(Majority Vote Required)*

That the Town raise and appropriate the sum of \$756,900 (SEVEN HUNDRED FIFTY SIX THOUSAND NINE HUNDRED DOLLARS) to provide for the following capital requests:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Emergency Management	36,000	AM Radio Notification System

Fire Department	34,900	Firehouse Flooring (excluding Center Station)
Highway	70,000	2 pickup trucks
Highway	50,000	1-ton truck
Engineering	25,000	Design for repairs to the Beaver Brook Road bridge and any other related costs
Schools	20,000	WA Network Infrastructure
Technology	325,000	Computer Replacement
Technology	35,000	Fusion Software for Fire/Ambulance
Technology	11,000	GIS Flyover
Town Manager	150,000	Town-wide/School-wide Facility Study

Second Motion:*(2/3 Majority Vote Required)*

That the Town appropriate the sum of \$600,000 (SIX HUNDRED THOUSAND DOLLARS) for the capital projects listed below, including costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to [Massachusetts General Laws Chapter 44 Section 7 or Section 8](#), or any other enabling authority, and to issue bonds or notes of the Town therefor;

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Engineering	300,000	Masterplan for Town's drainage system
Engineering	175,000	Design of intersection improvements at Groton Road and Oak Hill Road
Engineering	125,000	Design of intersection improvements at Groton Road and Dunstable Road

And further

That the Town appropriate the sum of \$550,000 (FIVE HUNDRED FIFTY THOUSAND DOLLARS) for the purchase of bleachers to be located at Westford Academy, including costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to Massachusetts General Laws Chapter 44 Section 7(25), or any other enabling authority, and to issue bonds or notes of the Town therefor;

And further

That the Town appropriate the sum of \$739,792 (SEVEN HUNDRED THIRTY NINE THOUSAND SEVEN HUNDRED NINETY TWO DOLLARS) for the capital project listed below, including costs incidental and related thereto, and

that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to Massachusetts General Laws Chapter 44 Section 7(9), or any other enabling authority, and to issue bonds or notes of the Town therefor;

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Fire Department	544,000	Fire rescue truck and any other related costs
Highway Department	195,792	Ten-wheel dump truck with plow, sander, and any other related costs

And further

That the Town appropriate the sum of \$180,000 (ONE HUNDRED EIGHTY THOUSAND DOLLARS) for the purchase and installation of one boiler for the Abbot School and one boiler for the Robinson School including costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to Massachusetts General Laws Chapter 44 Section 7(3A), or any other enabling authority, and to issue bonds or notes of the Town therefor;

And further

That the Town raise and appropriate the sum of \$105,000 (ONE HUNDRED FIVE THOUSAND DOLLARS) and transfer said amount to the capital stabilization fund.

Selectmen recommend (5-0) & (3-2 for Capital Stabilization) and Finance Committee recommends (7-0) & (7-1 for Capital Stabilization)

ADMINISTRATIVE

ARTICLE 17: Authorize Lease Agreement for Radio Telecommunications Facility to be Located at the Highway Department at 28 North Street	<i>2/3 Majority Vote Required</i>
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Sponsor: Board of Selectmen

Motion: That the Town transfer the care, custody, management and control of certain property being the Westford Highway Facility at 28 North Street, identified as Assessor's Parcel 030-0030-0000, described in a deed recorded with the Middlesex North Registry of Deeds in Book 11232, Page 204, from the Board of Selectmen for purposes of a highway facility to the Board of Selectmen for purposes of a highway facility and for purposes of leasing and granting an easement and to

authorize the Board of Selectmen to enter into a lease with a telecommunications service provider to construct, install, operate and maintain a Radio Telecommunications Facility (RTF) on said property, and for access to and from said property and to construct, install, operate and maintain utilities necessary for the operation of the RTF, said lease to be for a term up to 20 years, and on such terms and conditions as the Board of Selectmen deems to be in the best interests of the Town; and further to authorize the Board of Selectmen to convey to a telecommunications service provider, and its successors and assigns, on such terms and conditions as the Board of Selectmen may determine, a non-exclusive easement over a portion of the property for the purposes of constructing, installing, maintaining and operating the RTF, including electric and telephone utilities necessary for the operation of the RTF on the property, and access thereto for said purposes.

Selectmen recommend (4-0) and Finance Committee recommends (7-0)

ARTICLE 18:	Authorize Board of Selectmen to Accept Easements	<i>Majority Vote Required</i>
Sponsor:	Board of Selectmen	
Motion:	That the Town authorize the Board of Selectmen, during Fiscal Year 2014, to accept any and all easements for sidewalk, drainage, or other utility purposes, as they may deem in the Town's best interests.	

Selectmen recommend (4-0)

ZONING BYLAW AMENDMENTS

ARTICLE 19:	Amend Section 6 to Add New Section 6.6 Temporary Moratorium on Medical Marijuana Treatment Centers	<i>2/3 Majority Vote</i>
Sponsor:	Planning Board	
Motion:	That the Town amend the Town's Zoning Bylaw by adding a new Section 6.6, Temporary Moratorium on Medical Marijuana Treatment Centers , and to amend the Table of Contents to add Section 6.6, "Temporary Moratorium on Medical Marijuana Treatment Centers" and to add a definition in Section 10.2.	

6.6. TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

6.6.1 Purpose

1. By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date.
2. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public health and safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and better understand and address the complex issues mentioned herein. Furthermore, the Town needs to understand the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana.
3. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town, to study the complex issues noted herein, and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

6.6.2 Temporary Moratorium

1. For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through **June 30, 2014**.
2. During the moratorium period, the Town shall undertake a planning process to address the potential effects of medical marijuana facilities in the Town, consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the effect and operation of Medical Marijuana Treatment Centers and related uses.

And further

Add the following definition in alphabetical order to this section:

Section 10.2 GENERAL DEFINITIONS

Medical Marijuana Treatment Center: A not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

Selectmen recommend (5-0) and Planning Board recommends (5-0)

ARTICLE 20: Amend Section 5.3 to Replace the Sign Bylaw in its Entirety	<i>2/3 Majority Vote Required</i>
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Sponsor: Planning Board

Motion: That the Town dismiss Article 20.

Selectmen to make recommendation at Town Meeting and Planning Board recommends dismissal (5-0)

ARTICLE 21: Amend Section 9.3 Special Permits to Allow for Applicant to Contribute Funds in Lieu of Sidewalk Construction	<i>2/3 Majority Vote Required</i>
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Sponsor: Planning Board

Motion: That the Town amend Section 9.3 of the Westford Zoning Bylaw to add a subsection providing for off-site sidewalk construction and providing for funds in lieu of construction to be accepted by the Planning Board. The sub-section relates only to projects that are being considered by the Planning Board under a Special Permit. The proposed language is shown below in underline.

9.3 SPECIAL PERMITS

9.3.1 Special Permit Granting Authority. Unless specifically designated otherwise, the Board of Appeals shall act as the special permit granting authority.

9.3.2 Criteria. Special permits shall be granted by the special permit granting authority, unless otherwise specified herein, only upon its written

determination that the proposed use or structure(s) shall not cause substantial detriment to the neighborhood or the town, taking into account the characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth elsewhere in this Bylaw, such determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on town services, tax base, property values, and employment.

9.3.3 Procedures. Applications shall be filed in accordance with the rules and regulations of the special permit granting authority. An application shall not be deemed complete until all copies of required information and documentation have been filed with the special permit granting authority.

9.3.4 Plans. An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 9.4, herein.

9.3.5 Conditions.

1. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Bylaw.
2. For special permits in which a requirement to construct on-site sidewalks is waived by the special permit granting authority, the special permit granting authority may, as a condition of approval,
 - a. require the applicant to construct an off-site sidewalk of at least equal value to the sidewalk that was waived in a location within proximity to the subject project; or
 - b. require the applicant to contribute funds into a public sidewalk account established by the Town of Westford for the dedicated purpose of designing, acquiring easement(s) and/or constructing

sidewalks, pathways, walkways, bicycle paths, and/or other pedestrian access and safety measures.

3. Where the Town accepts contribution of funds in lieu of sidewalk construction, the amount of such funds shall be at least equal to the cost of the sidewalk(s) that would have been required in the absence of a waiver, with such amount determined and agreed upon by the special permit granting authority within the public hearing process.

9.3.6 Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

9.3.7 Regulations. The special permit granting authority may adopt rules and regulations for the administration of this section.

9.3.8 Fees. The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

Selectmen recommend (5-0) and Planning Board recommends (5-0)

ARTICLE 22: Amend Section 8.2 Flood Plain Overlay District to Update Reference and to Add Criteria for New Subdivisions	<i>2/3 Majority Vote Required</i>
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Sponsor: Planning Board

Motion: That the Town amend the Town's Zoning Bylaw by updating references and new criteria for subdivisions in the Floodplain Overlay District Section 8.2 (added words are shown in **bold and underlined**, deleted words are shown in ~~striketrough~~).

8.2 FLOODPLAIN OVERLAY DISTRICT (FOD) [Amended 3-27-2010 ATM, Art. 26]

8.2.1 Purpose. The Floodplain Overlay District (FOD) is established as an overlay district to all other districts:

1. to protect public health, safety and general welfare;
2. to protect human life and property from hazards of periodic flooding;

3. to preserve natural flood control characteristics and the flood storage capacity of the floodplain; and
4. to preserve and maintain the groundwater table and water recharge areas within the floodplain.

All development in the district, including structural and non-structural activities, ~~whether~~ **shall comply with** Massachusetts General Laws and with the following:

- **Sections of the Massachusetts State Building Code applicable to construction in the floodplain;** ~~Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");~~
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

- 8.2.2 District Boundaries.** The FOD includes all special flood hazard areas within the Town of Westford designated as Zone A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Westford are panel numbers 25017C0113E, 25017C0114E, 25017C0118E, 25017C0226E, 25017C0227E, 25017C0228E, 25017C0229E, 25017C0231E, 25017C0232E, 25017C0233E, 25017C0234E, 25017C0236E, 25017C0237E, 25017C0241E, 25017C0242E and 25017C0243E ~~anticipated to be~~ dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the floodway data tables in Middlesex County Flood Insurance Study (FIS) ~~report anticipated to be~~ dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Commissioner.
- 8.2.3 Overlay District.** The FOD shall be considered as overlaying all classes of districts listed in Section 2.1. All development, including

structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with the Massachusetts State Building Code pertaining to construction in the floodplain, G.L. c. 131, s. 40, and other pertinent regulations.

8.2.4 Uses Permitted by Right. The following uses are permitted by right since they create a minimal risk of damage due to flooding and will not constitute obstructions to flood flow, provided that they are permitted in the underlying district and that they do not require structures, fill or storage of materials or equipment:

1. Agricultural uses such as farming, grazing, truck farming, and horticulture.
2. Forestry and nursery uses.
3. Outdoor recreational uses, including fishing, boating and play areas.
4. Conservation of water, plants and wildlife.
5. Wildlife management areas; foot, bicycle and horse paths.
6. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
7. Buildings lawfully existing prior to the adoption of these provisions May 7, 1983.

8.2.5 Uses Permitted by Special Permit.

1. No structure or building shall be erected, constructed, substantially improved, or otherwise created or moved, and no earth or other materials dumped, filled, excavated, or transferred, unless a special permit is granted by the Planning Board.
2. All subdivision proposals must be designed to assure that:
 - a. such proposals minimize flood damage;
 - b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - c. adequate drainage is provided to reduce exposure to flood hazards.

8.2.6 Special Permit Procedures.

1. Upon receipt of an application for a special permit, the Board shall transmit one (1) copy of the development plan to the Conservation Commission, the Board of Health and the Building Commissioner. Final action shall not be taken until reports have been received from the above Boards or until thirty-five (35) days shall have elapsed following referral without receipt of such reports.

2. The Planning Board may issue a special permit if the application complies with the following provisions:
 - a. The proposed use complies in all respects with the provisions of the underlying district and all provisions in the Massachusetts State Building Code pertaining to construction in the Floodplain.
 - b. The proposed new construction, substantial improvement and other development or encroachment within the Floodway as designated on the maps shall be accompanied by a certification by a registered professional engineer or architect demonstrating that such activity shall not result in any increase in flood levels during the occurrence of the one hundred (100) year flood.
3. Floodway Data. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
4. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 5 acres, within A zones.

8.2.7 Notification of Watercourse Alteration.

In a riverine situation, Westford shall notify the following of any alteration or relocation of a watercourse:

1. Adjacent Communities
2. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
3. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Selectmen recommend (5-0) and Planning Board recommends (5-0)

ARTICLE 23: Amend Section 3.1.2 Appendix A, "Table of Principal Use Regulations" to Allow for Drive-through Restaurants and Add New Section 3.1.4 Which Regulates All Drive-through Uses, and to Add a Definition in Section 10.2	<i>2/3 Majority Vote Required</i>
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Sponsor: Planning Board

Motion: That the Town amend Section 3.1.2, Appendix A. "Table of Principal Use Regulations" Subsection D.(C).5. Restaurant, drive-through" from an N (not permitted) to SPB (Special Permit by the Planning Board) and adding a reference in the table, adding a new Section 3.1.4. which regulates drive-through uses, and adding a definition in Section 10.2, Definitions. Only subsections that have proposed changes are included below. Subsections not listed below do not have changes proposed.

Excerpt of Appendix A: Table of Principal Use Regulations, Westford Zoning Bylaw: June 29, 2012

	RA	RB	B	BL	CH	IH	IA	IB	IC	ID
D. Commercial Uses										
D. (A) Retail Uses										
1. Retail sales to the general public	N	N	Y	N	Y	N	Y	Y	N	N
2. Retail sales to industrial or commercial buyers	N	N	N	N	SPB	Y	N	N	N	N
3. Retail sales of dairy products	N	N	Y	N	Y	N	Y	N	N	N
4. Retail sales or leasing of motor vehicles	N	N	N	N	Y	Y	N	N	N	N
5. Major retail project	N	N	SPB	SPB	SPB	SPB	SPB	N	N	N
D. (B) Motor Vehicle Services										
1. Motor vehicle services	N	N	SPA	N	SPA	SPA	SPA	SPA	N	N
2. Motor vehicle repair establishments	N	N	SPA	N	SPA	SPA	SPA	SPA	N	N
D. (C) Other Commercial Uses										
1. Nursing or convalescent home	SPA	SPA	SPA	N	N	N	SPA	SPA	N	N
2. Funeral home	N	N	Y	N	Y	N	Y	Y	N	N
3. Hotel	N	N	Y	N	SPB	N	Y	Y	N	N
4. Restaurant	N	N	Y	Y	Y	N	Y	Y	N	N
5. Restaurant, drive-through windows in , <u>See section 3.1.4</u>	N	N	N	N	N <u>SPB</u>	N	N	N	N	N
6. Business or professional office	N	N	Y	Y	Y	Y	Y	Y	Y	Y
7. Printing establishment; newspaper	N	N	Y	N	N	N	Y	Y	Y	Y
8. Nonexempt educational use	N	N	N	N	Y	N	N	N	N	N
9. Nonprofit membership club	Y	Y	Y	N	Y	N	Y	Y	N	N

See Definitions Y = permitted, N = not permitted

SPB = special permit by Planning Board

SPA = special permit by Zoning board of Appeals

And further

Amend Section 3.1.2. Appendix A. "Table of Principal Use Regulations" Subsection F.2. as follows:

	RA	RB	B	BL	CH	IH	IA	IB	IC	ID
F. Other Uses										
1. Research conducted by a nonprofit educational institution	SPA	SPA	SPA	SPA	N	N	SPA	SPA	SPA	SPA
2. Drive-up or drive-through window facilities, except restaurants. <u>See section 3.1.4</u>	N	N	SPB	SPB	SPB	SPB	SPB	SPB	SPB	SPB
3. Accessways to other districts	Y	Y	Y	Y	Y	Y	Y	N	N	N
4. RTF, including Antennas, equipment and Structures (see Section 6.2 for exemptions)	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA

See Definitions Y = permitted, N = not permitted

SPB = special permit by Planning Board

SPA = special permit by Zoning board of Appeals

And further

3.1.4 Drive-through Windows

1. *Procedure.* Upon a concurrent application for Site Plan Review, under Section 9.4 of this bylaw, and in accordance with this section and Section 9.3, the Planning Board is the Special Permit Granting Authority (SPGA) for drive-through windows. There are two types of drive-through windows allowable in Appendix A, Table of Principal Uses: 1) drive-through windows for restaurants and 2) other drive through windows.
 - a. Application. In addition to the application materials required for site plan approval, the applicant shall submit the following:
 - i. Materials required in the Town's "Guidelines for Preparation of a Transportation Impact Assessment," regardless of the number of hourly trips. The required Scoping Letter shall include predictions of peak and off peak traffic generation and patterns associated for the drive-through window and for the primary use without the drive-through window. If the subject use is an existing or previously approved use, the applicant will also submit the traffic study submitted at the time of such initial approval (if applicable).
 - ii. In accordance with the "Guidelines for Preparation of a Transportation Impact Assessment," the applicant shall show on the site plans how the proposed traffic flow, parking layout, stacking areas, lighting, rubbish control, signage, dispensing areas, and other equipment, landscaping features and driveways associated with the drive-up window will be safe..

- iii. A narrative description of the drive-through window operation, including hours of operation and anticipated vehicle traffic peak hour trips and queuing lines based on the traffic study.
2. *Development standards for all drive-through windows.*
- a. The drive-through window facility must be subordinate to the principal use.
 - b. Driveway connection to the public way shall be safe, which may mean that pre-existing conditions shall be required as a condition of permit to be improved by the addition of the drive-through window.
 - c. In the case where a project has an access driveway on a state highway, the applicant shall demonstrate that the proposal satisfies any and all requirements of the Massachusetts Department of Transportation (MassDOT) , or that the subject site can be improved or reprogrammed to properly service additional traffic generated by the drive-through window.
 - d. In the case where a project has an access driveway on a Town road, the primary access or egress driveway intersection with the adjacent roadway shall be required as a condition of permit to be improved or reprogrammed to properly service traffic generated by the drive-through window as determined by the TIAS and Town Engineer and Highway Superintendent recommendations.
 - e. Drive-through windows shall not operate outside of the following hours of operation: 7:00 a.m. to 10:00 p.m.
 - f. Drive-through windows shall provide adequate circulation that accommodates vehicular and pedestrian traffic as well as providing for adequate space for parking lot circulation, entrance and exiting of the subject lot.
 - g. Where the drive-through window site abuts a residential zoning district additional noise and visual abatement shall be required. The Planning Board may waive this requirement if the applicant provides documentation that there is no detrimental effect to the residential district.
 - h. Vehicular Queuing
 - i. Queuing areas shall not be located between the structure with the principal use and the primary street frontage. If there is more than one street frontage, the Board shall determine which street frontage is primary.
 - ii. Minimum drive through queue on the subject site shall provide for 6 cars with space designed on the plan for an additional 6 queue spaces on the subject site. The Board shall have the right to require adjustments to queue length which shall be stipulated in any permit by the Board.
 - iii. Queue lines shall be designed to minimize conflicts between pedestrians and vehicles and between queuing cars and other parking lot vehicular circulation. Queues should be separate from vehicular and pedestrian travel lanes.

3. *Development Standards for Restaurant drive-through windows.* The Planning Board shall require that each restaurant incorporating a drive-through window contain the following features and conditions:
 - a. There shall be a minimum separation of 1000 linear feet between driveways serving restaurant drive through windows. The Planning Board may waive this requirement if applicant provides documentation acceptable to the Board that there will not be a decrease in the level of service on the adjacent roadway.
 - b. Provision for refuse collection and refuse control shall be incorporated within the application and shall be incorporated as conditions within the special permit decision. Such provisions shall ensure the permit granting authority that no refuse shall litter the subject site and surrounding properties. Such measures such as, but not limited to the following:
 - i. Refuse collection devices within the premises;
 - ii. Refuse collection devices accessible from an automobile near the exit to the premises; and
 - iii. Operational measures for frequent refuse collection.
4. *Consultant Review Fee.* The applicant shall be responsible for the cost of consulting services that the Board may incur for review of the applicant's project as established under Massachusetts General Law Chapter 44, Section 53G. Said cost shall be billed to the applicant and paid within thirty (30) days. The applicant shall deposit the necessary fees into an Agency Escrow Municipal Developer Account established specifically for the project. If, at any time, additional funds for review are required, the applicant shall deposit the necessary additional funds into the established account. Review of the application will not continue until such a deposit is made. Any funds remaining and interest accrued will be returned to the developer upon written request after the issuance of a decision by the Planning Board or upon Applicants withdrawal of the Application.
5. *The Planning Board may approve such special permits upon:*
 - a. Compliance with the above stated requirements and conditions;
 - b. Incorporation with the Special Permit of such other conditions as the Planning Board deems necessary to properly regulate traffic, refuse, lighting, pedestrian safety, and other conditions deemed necessary; and
 - c. Conformance with the Special Permit criteria in 9.3. 2 and Site Plan criteria in 9.4.7.

AND

Replace the existing definition with the following definition in alphabetical order to this section.

Section 10.2 GENERAL DEFINITIONS [Amended 5-5-07 ARM, Art. 22]

~~Drive-up or drive through facilities. A window or service area allowing customers to receive goods or services without leaving the motor vehicle, but not a drive in restaurant.~~

Drive-through window. Any window opening, chute or other mechanism and related canopy or other structure and vehicle circulation area designed to provide services such as banking or pharmacy, or service of food and beverages to occupants of vehicles.

Selectmen to make recommendation at Town Meeting and Planning Board recommends (3-2)

STREET ACCEPTANCES

ARTICLE 24: Accept Misty Lane and Rolling Meadow Lane as Public Ways	<i>Majority Vote Required</i>
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Sponsor: Board of Selectmen

Motion: That the Town accept the layout of MISTY LANE as Town public way pursuant to [Massachusetts General Laws Chapter 82](#) and to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise such interests in the land underlying the ways for all purposes for which public ways may used in the Town.

And further;

That the Town accept the layout of ROLLING MEADOW LANE as Town public way pursuant to [Massachusetts General Laws Chapter 82](#) and to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise such interests in the land underlying the ways for all purposes for which public ways may used in the Town.

Selectmen recommend (5-0) and Finance Committee recommends (7-0)

CARE AND CUSTODY OF TOWN LAND

ARTICLE 25: Acquire Acton Road Parcel	<i>Majority Vote Required</i>
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Sponsor: Board of Selectmen

Motion: That the Town authorize the Board of Selectmen to acquire, on such terms and conditions as the Board shall deem appropriate, by gift, or by deed in lieu of foreclosure, pursuant to Massachusetts General Laws Chapter 60 Section 77C, for general municipal purposes, a parcel of land, with restrictions encumbering the same, shown as "N/F Crest Haven Development Corporation" on a plan entitled "Property Plan of Crest Haven Development Corporation 62 Acton Road

Westford, Massachusetts Surveyed for Town of Westford," dated February 4, 2013.

Selectmen recommend (5-0)

ARTICLE 26: Transfer Custody of Parcels from the Tax Possession Sale Committee to the Conservation Commission	<i>2/3 Majority Vote Required</i>
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Sponsor: Tax Possession Sales Committee

Motion: That the Town transfer the care, custody, control and management of the following parcels of land from the Tax Possession Sale Committee presently held for the purpose of tax title sale to the Conservation Commission to be held for conservation purposes:

- Assessors' Map 30, Parcels 14 and 15, located west of the new Highway Facility
- Assessors' Map 38, Parcels 20 and 21, located along Stony Brook, east of Brookside Road
- Assessors' Map 44, Parcel 47, located at the corner of Tenney Road and Long Sought for Pond Road
- Assessors' Map 66, Parcel 18, located off Stony Brook Road

Selectmen recommend (5-0)

ARTICLE 27: Authorize the Transfer of a Portion of the Jack Walsh Fields Parcel Located on Carlisle Road in Exchange for Two Parcels Located on Farmer Way	<i>Majority Vote Required</i>
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Sponsor: Board of Selectmen

Motion: That the Town dismiss Article 27.

Selectmen recommend dismissal (5-0)

GENERAL BYLAW AMENDMENTS

ARTICLE 28: Adopt New Chapter 170: Westford Woods	<i>Majority Vote Required</i>
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Sponsor: Citizen Petition

Motion: That the Town adopt a new General Bylaw Chapter 170 to rename the town owned parcels of land now known as Stepinski and East Boston Camps with new

names reflecting the Town of Westford ownership of this property as shown below.

Chapter 170: Westford Woods

§ 170.1. Purpose.

The purpose of this bylaw is to rename town owned parcels of land currently known as the Stepinski parcel and East Boston Camps to "Westford Woods." The camps on this parcel will retain their current name of "East Boston Camps." The current "East Boston Camps" sign at the Depot Street parcel entrance will be relocated to the actual site of the camps in the Westford Woods. Any other signs referring to East Boston Camps will be situated within the campsite area. A "Westford Woods" sign with the wording "Town of Westford Conservation and Recreation Land" underneath the new name will be erected at the Depot Street parcel entrance. This does not preclude the naming of Water Department assets or recreation fields situated on the land.

§ 170.2. Definitions

- A. "East Boston Camps" includes the parcels of land and camps approved for purchase by the February 7, 2005 Special Town Meeting Article 1. The land is described as Assessors' Map 31-37, 35-32-4 and a 6,141square foot lot shown on MNRD (Middlesex North Registry of Deeds) Plan Book 97, Plan 91B and a 25,858 square foot lot and a 48,582 square foot lot both shown on MNRD Plan Book 99, Plan 62A (all to be referred to as Parcel A) and Assessors' Map 36-8 (to be referred to as Parcel B), consisting of approximately 289 acres.
- B. The "Stepinski" parcel includes the parcel of land approved for purchase by the Town of Westford at the October 20, 2008 Special Town Meeting. The land is described as Assessors' Map 31-Parcel 35, **31-35-101 and 31-35-102** consisting of 110.8 acres.
- C. "Westford Woods" is the new name of the combined East Boston Camps and Stepinski parcels.

§ 170.3. Naming of Recreational Fields and Water Department Assets

This bylaw does not change the naming rights of the Committees or Boards having "care and custody" of the various recreational fields and Water Department assets located on this land.

Selectmen to make recommendation at Town Meeting